

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARREN JOHNSON,
Plaintiff,

No. 22-10540

v.

Honorable Nancy G. Edmunds

ELIZABETH AUSTIN, *et al*,

Defendants.

**OPINION AND ORDER AFFIRMING MAGISTRATE JUDGE'S ORDER GRANTING
DEFENDANT'S MOTION FOR LEAVE TO TAKE PLAINTIFF'S DEPOSITION [46]**

This matter is before the Court on Plaintiff's objection to the Magistrate Judge's June 8, 2023 order granting Defendant's motion for leave to take Plaintiff's deposition. (ECF No. 46.) The Magistrate Judge granted Defendant Brian Stricklin's motion for leave to take Plaintiff's deposition. (ECF No. 45.) Plaintiff filed an objection to the order. (ECF No. 47.) The Court considered Plaintiff's objection to this non-dispositive motion pursuant to Fed. R. Civ. P. 72.

Plaintiff objects that because Defendant Stricklin has "already submitted his response in opposition to Plaintiff's motion for summary judgment" there is no need for a deposition. He also objects that because of a thyroid condition he will have a strep-throat-like condition and has had his thyroid removed and therefore it will be difficult to speak at the deposition. He alleges that he "will not be able to talk at all." (ECF No. 47.) In the alternative, Plaintiff asks that the Court "appoint counsel so all the questions can be answered." (ECF No. 47.) Plaintiff provides no evidence of such a condition, nor evidence of any limitations on his ability

to participate in a deposition. He references only generally another case he filed in the Eastern District of Michigan regarding his access to thyroid medication and treatment.

The Magistrate Judge correctly granted Defendant's motion pursuant to Fed. R. Civ. P. 26(b)(1), 30(a)(2)(B) and 30(b)(4). The Court finds no portion of the Magistrate Judge's order that is erroneous or contrary to law. Fed. R. Civ. P. 72. To the extent Plaintiff seeks the appointment of counsel, he must file a separate motion.¹

Conclusion

IT IS HEREBY ORDERED that the Court affirms the Magistrate Judge's order granting Defendant's motion for leave to take Plaintiff's deposition (ECF No. 46).

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: June 26, 2023

I hereby certify that a copy of the foregoing document was served upon Plaintiffs and counsel of record on June 26, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager

¹ Eastern District of Michigan Local Rule 7.1(i) provides that "Motions must not be combined with any other stand-alone document. For example, a motion for preliminary injunctive relief must not be combined with a complaint, a counter-motion must not be combined with a response or reply, and a motion for downward departure must not be combined with a sentencing memorandum. Papers filed in violation of this rule will be stricken."